

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

M.S., et al.,)
Plaintiffs,) Case No. 2:20-cv-01861-GMN-BNW
vs.)
Hyundai Motor America, et al.,)
Defendants.)

Order re [51]

Before the Court is a motion by Hyundai Motor America and Hyundai Motor Company to depose nonparty Jonathon Jackson. ECF No. 51. Jackson is presently incarcerated at the Casa Grande Transitional Housing Facility here in Las Vegas, Nevada. *Id.* at 2. As such, Rule 30 requires that the Hyundai defendants obtain the Court's leave to depose Jackson. *See* Fed. R. Civ. P. 30(a)(2)(B) ("A party must obtain leave of court . . . if the deponent is confined in prison."). The Court may grant leave if the discovery sought is consistent with the scope and limits set forth in Rule 26(b)(1)–(2). *Id.*

Under Rule 26, parties may obtain discovery on any nonprivileged matter relevant to any party's claim or defense. Fed. R. Civ. P. 26(b)(1). The sought matter must also be proportional to the needs of the case, but it "need not be admissible in evidence to be discoverable." *Id.* However, the Court must limit any proposed discovery that is: cumulative or duplicative; sought by a party who has had ample opportunity to obtain the information by discovery in the action; or outside the scope of Rule 26(b)(1). Fed. R. Civ. P. 26(b)(2)(C).

No party filed a response to the Hyundai defendants' motion, and the deadline to do so has lapsed. Under the Local Rules, "[t]he failure of an opposing party to file points and authorities in response to any motion," except a motion for attorney's fees or summary judgment, "constitutes a consent to the granting of the motion." LR 7-2(d). Here, the Court construes the parties'

